

DOCKET FILE COPY ORIGINAL

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BEFORE THE

Federal Communications Commission

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WASHINGTON, D.C. 20554

JUN 7 1994

In the Matter of

)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

)

Amendment of Section 73.202(b)

)

MM Docket No. 92-214

Table of Allotments

)

RM-8062

FM Broadcast Stations

)

RM-8144

Columbia, Bourbon, Leasburg,

)

RM-8145

Gerald, Dixon and Cuba, Missouri

)

RM-8146

)

RM-8147

**REQUEST FOR APPROVAL OF
WITHDRAWAL OF COUNTERPROPOSAL**

Jeff Weinhaus ("Weinhaus"), proponent of the counterproposal for the allotment of FM Channel 297A to Leasburg, Missouri (RM No. 8144), dated November 1, 1992, in the above-captioned proceeding hereby withdraws his counterproposal to allot Channel 297A or Channel 231A to Leasburg, Missouri, and asks that it be dismissed. Weinhaus has decided not to pursue the allotment of Channel 297A or Channel 231A at Leasburg, Missouri, and has decided to withdraw the counterproposal from further consideration. As demonstrated in the attached "Declaration" which is being filed pursuant to §1.420(j) of the FCC's Rules, there is no written agreement or oral agreement associated with the filing of Weinhaus' instant "Request for Approval of Withdrawal of Counterproposal" and Weinhaus is receiving no consideration for his filing and has been promised no such consideration. Weinhaus, however, is currently in Chapter 13 Bankruptcy, United States Bankruptcy Court for the Eastern District of Missouri, Cause No. 94-40896-399 which was filed February 18, 1994. Weinhaus, has also been named as a party

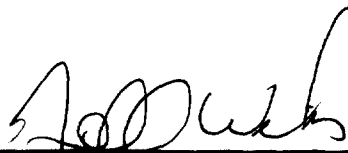
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defendant in litigation originally filed in the Circuit Court of the County of St. Louis, State of Missouri, Cause No. 660288, and recently removed to the United States District Court for the Eastern District of Missouri, Case No. 494CV-701 MLM, in an action alleging that he has tortiously interfered with the business expectancy of Zimmer Radio of Mid-Missouri, Inc. After the filing of this "Request for Approval of Withdrawal of Counterproposal," Weinhaus does intend to request his counsel to attempt to acquire the voluntary dismissal of him from the pending District Court litigation.

WHEREFORE, for the foregoing reasons, Weinhaus respectfully requests approval for the withdrawal of his counterproposal to allot Channel 297A or Channel 231A to Leasburg, Missouri and asks that it be dismissed. By signing my name, I verify under penalty of perjury that the information in this "Request for Approval of Withdrawal of Counterproposal" is true and correct to the best of my knowledge.

Respectfully submitted,

Dated: ^{May}~~April~~ 5, 1994



Jeff Weinhaus
Route 1, Box 395
Leasburg, Missouri 65535

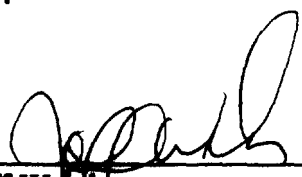
DECLARATION

I, Jeff Weinhaus, hereby declare under penalty of perjury that the following is true and correct:

1. On November 1, 1992, I signed and subsequently filed in MM Docket No. 92-214 requesting the allotment of Channel 297A or Channel 231A to Leasburg, Missouri (RM No. 8144).

2. I have not directly or indirectly been paid or promised any consideration in connection with my instant "Request for Approval of Withdrawal of Counterproposal," which withdraws my above-referenced Leasburg, Missouri counterproposal, nor has any written or oral agreement been made in connection therewith. I am however currently in Chapter 13 bankruptcy in the United States Bankruptcy Court for the Eastern District of Missouri, and I am currently a defendant in pending litigation recently filed in the Circuit Court of the County of St. Louis, State of Missouri, Cause No. 660288, and recently removed to the United States District Court for the Eastern District of Missouri, Case No. 494CV-701MLM. After filing of this Request for Approval of Withdrawal of Counterproposal, I do intend to instruct my attorney to attempt to acquire my voluntary dismissal from the pending District Court litigation.

Executed this 5th day of ^{May}~~April~~, 1994.



Jeff Weinhaus

CERTIFICATE OF SERVICE

I, Craig A. Smith, do hereby certify that copies of the foregoing "Request for Approval of Withdrawal of Counterproposal" were mailed this 6th day of June, 1994, by first class mail, postage prepaid, to the following:

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Mass Media Bureau
Federal Communications Commission
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Craig A. Smith